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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,284	07/25/2000	Lee H. Veneklasen	4901	7219

32588 7590 12/08/2003

APPLIED MATERIALS, INC.
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SANTA CLARA, CA 95050

EXAMINER

VANORE, DAVID A

ART UNIT PAPER NUMBER

2881

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/625,284

Applicant(s)

VENEKLASEN ET AL.

Examiner

David A Vanore

Art Unit

2881

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 17-20 and 22-24

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☒ Other: PTO-892

Continuation of 5. does NOT place the application in condition for allowance because: The amendment to the claims and the arguments presented by the applicant does not overcome the standing rejection under Da Lin et al. Applicant has cancelled claims 1-16, 21, and 25-29. Claims 17-24 were previously rejected by Da Lin et al. The subject matter of claim 21 has been incorporated into claim 17 and claim 21 has been cancelled. Applicant argues that the present invention is a variable axis immersion lens and that the Da Lin et al. reference teaches a fixed electron beam axis. However, as pointed out on page 5 of the response and in the previous Office action, Da Lin et al. teaches a lens which comprises a scanning coil (50). These coils are for "scanning the primary electron beam over the specimen" as pointed out by the Applicant. The act of deflecting and scanning the beam necessarily alters the optical axis of the beam. Stating that this does not constitute a "variable axis" system is contrary to the function of the coils which vary the beam axis as it is scanned over the surface of the substrate. The applicant further argues that there is "no teaching or even suggestion of such a magnetic field shield in the Da Lin et al. reference." The composition of the housing and polepieces are of soft iron (Da Lin et al. at para. 8). Soft iron, being a magnetic material inherently acts a shielding means for magnetic fields when employed as in Da Lin et al. Examiner cites Watson (USPN 4,124,503) at Col. 7 Line 61-Col. 8 Line 31. All pending claims stand finally rejected.

[Handwritten signature]
APPROVED
FOR SIGNATURE
DATE